## **California Gambling Control Commission**

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## MINUTES OF THE JANUARY 10, 2019 COMMISSION MEETING

## **OPEN SESSION**

1. Call to Order and Pledge of Allegiance

Acting Chairman Trang To called the meeting to order at 10:00 a.m., and asked everyone to stand for the Pledge of Allegiance.

2. Roll Call of Commissioners

Roll Call of Commissioners was taken with Acting Chairman To, Commissioner Paula LaBrie, and Commissioner Gareth Lacy present.

Acting Chairman To acknowledged that Chairman Jim Evans was not in attendance.

- 3. Approval of Commission Meeting Minutes for:
  - A. October 19-29, 2018 GCA Hearing
  - B. November 30, 2018 GCA Hearing
  - C. December 5, 2018 GCA Hearing
  - D. December 12, 2018 GCA Hearing

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the GCA Hearing Minutes for October 19-29, 2018, December 5, 2018, and December 12, 2018. Acting Chairman To abstained from voting on the November 30, 2018 GCA Hearing minutes as he was not present at that hearing. The November 30, 2018 minutes will be heard on another date as there were not enough votes to pass the item.

4. Consideration of A) Asset Purchase Agreement; and, B) Application(s) for Initial State Gambling License (Pursuant to Business and Professions Code sections 19824(c), 19850, 19851, and 19852; CCR, Title 4, sections 12054 and 12342):

A. Clovis 500 Club: Louis Sarantos, Jr. (Seller/Lender) K&M Casinos (Buyer/Borrower)

### Comments Received From:

Robert McWhorter, Designated Agent and Attorney, in person Keith Sharp, Designated Agent and Attorney, via telephone Justin Harris, Transactional Attorney for Clovis 500, via telephone Michael LeBlanc, K&M Casinos, Inc., in person Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person Stacey Luna Baxter, Executive Director, Gambling Control Commission, in person

Commissioner Lacy noted the Commission's receipt of correspondence received from George Sarantos indicating that he is owed funds from Mr. Louis Sarantos for the purchase of George Sarantos' interest in Clovis 500 and wants to ensure that Mr. George Sarantos is paid pursuant to his agreement with Mr. Louis Sarantos. Commissioner Lacy discussed one of the options presented to the Commission for consideration was to impose a condition that Mr. George Sarantos be paid out of the transaction, however expressed hesitance as he isn't a party to the instant transaction and he also had time to bring his concerns to the Commission earlier. Commissioner Lacy asked that the parties please brief the current status of Mr. George Sarantos as he relates to the proposed transaction.

Mr. Sharp responded to Commissioner Lacy's concerns regarding payment of monies owed to Mr. George Sarantos. Mr. Sharp stated that Mr. Louis Sarantos acknowledges ownership of the debt reflected in the note to Mr. George Sarantos as well as relayed Louis Sarantos' statement that he intends to pay Mr. George Sarantos what is owed sooner rather than later. Mr. Sharp noted that the proceeds from the closing may not cover the remainder of the note; however Mr. Louis Sarantos will satisfy the note as soon as he can. Mr. Harris seconded the comments of Mr. Sharp and stated that there is no dispute as to the validity of the note and every intention will be made to pay the debt as soon as possible. Mr. Harris stated that while the note is ultimately the responsibility of Mr. Louis Sarantos, as he is the one who signed it, as a practical matter it is imputed to K&M to the extent that K&M recognizes it must be paid as part of the overall transaction.

Mr. Sharp responded to inquiry from Commission LaBrie as to the timeliness of the payments to Mr. George Sarantos. Mr. Sharp discussed that at section 2.3 of the contract, the contract provides that K&M has the right to pay off Mr. George Sarantos and credit that payment against any payment that is due to Mr. Louis Sarantos. Mr. Sharp confirmed that the parties were very mindful this amount is owed to George Sarantos and as the Commission will have continuing jurisdiction over K&M, this is a provision that exists and referenced it for the Commission's additional consideration.

Commissioner LaBrie noted that with the discussion on the record in regard to intent and terms of repayment for Mr. George Sarantos, she did not believe the Commission needed to impose a condition to require a portion of the payments to Mr. Louis Sarantos be allocated for repayment to Mr. George Sarantos.

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Commissioner LaBrie inquired about the termination of the third-party proposition contract and 500 Club Casino listed in Option Two, Condition Six. Mr. Harris confirmed the parties' understanding and willingness to comply. Mr. McWhorter commented on Option Two, Condition Six that as Mr. LeBlanc and Mr. Barclay do not have any direct or indirect interest in Rhino Gaming due to divesting from the company and as such the provision may not be needed.

Mr. LeBlanc stated that he still has an interest in other Third-Party companies not involved in this transaction.

Assistant Director Morrow responded that the Bureau stands by its recommendation to the Commission that the contract with Rhino Gaming be cancelled or terminated. The intent of the sale of Rhino Gaming to a new owner was to prevent the new company to have to pay fees. The fees were originally paid by Mr. LeBlanc and the owners of Rhino Gaming which is now the cardroom owner. They were also the individuals that negotiated the payments from Rhino Gaming to the Cardroom and lastly there is a perception of collusion to the public when the Third Party Provider that was providing services to the Cardroom being owned by the individuals who now purchased the cardroom and the Third Party Provider is not changing. Assistant Director Morrow further stated the Bureau's position that a new Third Party Provider with no ties to the owners of the Casino needs to come in and make it cleaner.

Mr. McWhorter responded by stating that there will be contract renegotiations and new fees will be paid by the new owners. A name change would be made to the Third Party Provider to avoid perception of collusion to the public. Commission Lacy inquired as to the new ownership and Mr. McWhorter stated that the new owner has been an employee of Rhino Gaming for approximately five or six years.

Mr. LaBlanc confirmed no monies were loaned to purchase Rhino Gaming.

Commissioner LaBrie stated her preference for a terminated contract.

Further discussion between Bureau staff, Commission staff, Commission, Mr. LeBlanc and Mr. McWhorter regarding the options with which to move forward.

Commissioner LaBrie made a motion to approve Option Two with an amendment to Condition Six to strike the language "must terminate" and insert the language "not enter into" and add Condition Seven that reads, "The Clovis 500 Club must terminate the contract with Rhino Gaming, Inc. upon closing of the transaction."

### Action:

Upon motion of Commissioner LaBrie, seconded by Acting Chairman To, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Asset Purchase Agreement with Amended Conditions noted below:

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- 1) Legend on Stock Certificate. The certificates evidencing K&M Casinos, Inc. stock were provided to the Bureau, but they did not contain certain legends identified in the corporation's bylaws. Approval of the transaction should be conditioned upon the parties providing to the Commission, with a copy to the Bureau, copies of share certificates containing the legends contained in the corporation's bylaws including, without limitation, the legend required by section 6.8.7.
- 2) Note Modification. Approval of the proposed transactions should be conditioned on the parties modifying the note to provide as follows: "Neither Borrower nor Lender shall assign this note without (1) providing notice to the Bureau of Gambling Control, (2) complying with the Gambling Control Act (Bus. & Prof. Code, § 19800 et seq.) as required by law, and (3) receiving the consent or approval of a Governmental Entity (as that term is defined in the Asset Purchase Agreement) to the extent such consent is required."
- 3) **Compliance with Settlement Order**. Approval of the proposed transactions should be conditioned on the seller instructing the buyer and escrow holder to pay to the Bureau the penalties of \$500,000 and the costs of \$100,000 at the closing as provided by the Settlement Order.
- 4) Final Transaction Documents. Approval of the proposed transactions should be conditioned on, within 15 days after the closing, the parties providing copies to the Commission of all executed transaction documents including final schedules and exhibits, with copies to the Bureau.
- 5) **No Material Change in the Contemplated Transactions**. Approval of the proposed transactions should be conditioned upon, within 15 days after the closing, buyer and seller, either jointly or separately, confirming in writing to the Commission, with a copy to the Bureau, that the parties made no material change to the transactions and the transactions were substantially the same as approved by the Commission.
- 6) **Contracts.** 500 Club Casino (FKA Clovis 500 Club) must not enter into any third-party provider of proposition player services contracts with entities that K&M or K&M shareholders directly or indirectly hold a financial interest in the entity or with a shareholder upon approval of the proposed transaction by the Commission.
- 7) **Terminate Contract.** The Clovis 500 Club must terminate the contract with Rhino Gaming, Inc. upon closing of the transaction.

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B. 500 Club Casino: K & M Casinos, Inc.

Michael LeBlanc, Chief Executive Officer, Director,

Shareholder

Richard Kevin Barclay, Chief Financial Officer,

Secretary, Director, Shareholder

## Comments Received From:

Robert McWhorter, Attorney and Designated Agent, in person

Mr. McWhorter confirmed on behalf of K & M consent to the conditions.

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial State Gambling Licenses through January 31, 2020 with the conditions noted below:

- 1. **Note Modification.** As to the note between Louis Sarantos, Jr. and K & M Casinos, Inc., neither Borrower nor Lender shall assign their note without (1)providing notice to the Bureau of Gambling Control, (2) complying with the Gambling Control Act (Bus. & Prof. Code, § 19800 et seq.) as required by law, and (3) receiving the consent or approval of a Governmental Entity (as that term is defined in the Asset Purchase Agreement) to the extent such consent is required.
- 2. Third Party Providers of Proposition Players Services (TPPPS)
  Contract Restriction. 500 Club Casino (FKA Clovis 500 Club) must
  not enter into or engage in any TPPPS contracts with entities that K&M
  or K&M shareholders directly or indirectly hold a financial interest in that
  TPPPS entity or with a shareholder of that TPPPS entity.
- Consideration of A) Asset Purchase Agreement; and, B) Application(s) for Initial State Gambling License (Pursuant to Business and Professions Code sections 19824(c), 19850, 19851, and 19852; CCR, Title 4, sections 12054 and 12342):

   A. Poker Flats Casino:
   Terry Vargas, Sole Proprietor (Seller)
   Golden Valley Casino, LLC (Buyer)

Commissioner LaBrie and Commissioner Lacy discussed why they were inclined to approve the proposed transaction with conditions.

#### Action:

Upon motion of Commissioner Lacy, seconded by Acting Chairman To, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Asset Purchase Agreement with the conditions noted below:

1. Purchase Agreement Amendment for Business and

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**Professions Code 19873 Compliance.** The APSA must not not conflict with Business and Professions Code section 19873, which provides that "[n]o license may be assigned or transferred either in whole or in part."

- 2. **Transaction Completed as Approved**. Approval of the transaction is conditioned upon the Buyer confirming within 15 day after the closing, in writing to the Commission, with a copy to the Bureau, that the transaction was completed as approved by the Commission.
- 3. Legend on Certificates Evidencing Membership Interests.
  Approval is conditioned upon Buyer confirming to the
  Commission, with a copy to the Bureau, within 15 days after the
  closing, that it has legended any certificates evidencing the
  membership interests in accordance with the provisions of Business
  and Professions Code section 19892, subdivision (d).
- 4. Additional Legend on Certificates Evidencing Membership Interests. Buyer must confirm to the Commission, with a copy to the Bureau, within 15 days after the closing, that any certificates evidencing the membership interests have been legended as follows:

BY A LIMITED LIABILITY COMPANY THAT HOLDS A GAMBLING "THIS CERTIFICATE REPRESENTS A MEMBERSHIP INTEREST ISSUED LICENSE PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA. THE MEMBERSHIP INTEREST MAY NOT BE TRANSFERRED, ASSIGNED, SOLD, PLEDGED, HYPOTHECATED, OR DISPOSED OF WITHOUT THE PRIOR APPROVAL OF THE CALIFORNIA GAMBLING CONTROL COMMISSION OR ITS SUCCESSOR."

5. **Final Transaction Documents**. Within 15 days following the closing, the buyer shall confirm in writing to the Commission, with a copy to the Bureau, that any certificate evidencing membership interests of the LLC contains the statement of restrictions required by Business and Professions Code section 19892, subdivision (d).

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B. Poker Flats Casino: Golden Valley Casino, LLC

Terry Vargas, Member

Central Valley Gaming, LLC, Member

Sara Downs, Member

Jose Fernandez, Managing Member

Deborah Fernandez, Member

Philip Rheinschild, Managing Member

## Comments Received From:

Philip Rheinschild, in person

Commissioner LaBrie stated her previous comments apply to this item and inquired as to the applicants consent to the conditions.

Acting Chairman To asked Mr. Rheinschild if Golden Valley Casino, LLC assented to the condition.

Mr. Rheinschild confirmed assent to the condition.

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial State Gambling Licenses through July 31, 2019 with the condition noted below:

Terry Vargas must not be engaged in the operations of the gambling Establishment.

6. Consideration of A) Initial Portable Key Employee License; and, B) Renewal Portable Key Employee License (Pursuant to Business and Professions Code section 19854; CCR, Title 4, sections 12054, 12350, and 12351):

A. Maiyang Saechou

### Comments Received From:

Maiyang Saechou, via telephone

Commissioner LaBrie noted no concerns with the application but was curious why an outdated application was submitted. Ms. Saechou responded that the outdated application was given to her by her employer.

Acting Chairman To concurred and noted that basis why he was amenable to approving the license application.

### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and

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Commissioner Lacy voting yes; the Commission approved the Initial Key Employee License.

## B. Maiyang Saechou

#### Action:

Upon motion of Acting Chairman To, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Renewal Key Employee License.

- 7. Consideration of Initial Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19854; CCR, Title 4, sections 12054 and 12350):
  - A. Tara Allen
  - B. Marco Azzi
  - C. Shawn Brown
  - D. Micah Chen
  - E. Soun Earl

- F. Charles Edwards
- G. Cesar Hernandez
- H. Michael Ledford
- I. Lea Lor
- J. Jason Orabuena

By concurrence of the Commissioners, items 7.A. through 7.J. were heard together.

#### Action:

Upon motion of Acting Chairman To, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Key Employee Licenses through the expiration dates listed: 7A. June 30, 2019, 7B. August 31, 2019, 7C. June 30, 2019, 7D. July 31, 2019, 7E. June 30, 2019, 7F. May 31, 2019, 7G. August 31, 2019, 7H. July 31, 2019, 7I. June 30, 2019, and 7J. August 31, 2019.

8. Consideration of Renewal Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19854; CCR, Title 4, sections 12054 and 12351):

**Aaron Bronsal** 

#### Comment Received From:

Aaron Bronsal, via telephone

#### Action:

Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Renewal Key Employee License through January 31, 2021, removing the existing condition noted below:

Beginning February 1, 2017, every 90 days thereafter, Mr. Bronsal must submit to the Bureau of Gambling Control proof of payment for the

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outstanding judgment owed to the California Employment Development Department.

9. Consideration to Withdraw Application for Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19869; Title 4, sections 12015 and 12054):

Stephanie Rocks

## Comments Received From:

Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Deputy Director Alcala-Beshara informed the Commission that multiple attempts to confirm the applicant's attendance were made by Commission staff, however the applicant did not confirm attendance. The applicant did not announce herself at the meeting.

Commissioner LaBrie and Commissioner Lacy noted concern with the financial aspect the applicant's background investigation.

Acting Chairman To inquired as to the completion status of the background investigation.

Assistant Director Morrow stated that the Bureau was close to completing the background investigation.

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Request to Withdraw without prejudice.

10. Consideration of Initial Work Permit (Pursuant to Business and Professions Code section 19912; CCR, Title 4, sections 12054 and 12104):

A. Empire Sportsmen's Association : Jessica Temple

## Comments Received From:

Jessica Temple, via telephone

Commissioner LaBrie inquired as to the status of the payment plan and asked Ms. Temple if she understood the condition to be placed on her license.

Ms. Temple stated that one payment is paid in full and she is currently making payment on the outstanding account. Ms. Temple confirmed that she understood the condition.

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## Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Work Permit through April 30, 2020, with the condition noted below:

Beginning March 1, 2019, and every 90 days thereafter, Ms. Temple must provide the Bureau of Gambling Control with documentation evidencing proof of efforts to satisfy her outstanding court fines until resolved.

B. Pinnacle Casino: Adan Marquez

## **Comments Received From:**

Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Deputy Director Alcala-Beshara informed the Commission that Commission staff provided the applicant notice of the meeting and made multiple attempts to confirm the applicant's attendance, however the applicant did not confirm attendance. Acting Chairman To called forth the applicant to ask if he was present. The applicant was not present in person or by telephone.

Commissioner Lacy discussed his concerns with the application.

Commissioner LaBrie requested this item be placed on a future meeting.

Acting Chairman To inquired as to whether the Bureau had updated information.

Assistant Director Morrow disclosed that the Bureau received information via telephone from Pinnacle Casino that on Mr. Marquez's employment application he stated that his reason for leaving Bankers Casino was "personal".

No action taken as the applicant was not in attendance. This matter will be heard at a future Commission Meeting.

11. Consideration of Conversion of Third-Party Providers of Proposition Player Services Registrations to License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12054 and 12218):

A. Fortune Players Group, Inc.:

Supervisor: Joseph Erickson

Commissioner Lacy and Commissioner LaBrie discussed why they were inclined to approve Mr. Erickson's application.

#### Action:

Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and

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Commissioner Lacy voting yes; the Commission approved the Initial Conversion License through January 31, 2021.

## B. Gaming Fund Group, Inc.:

Player: How Tran

## Comments Received From:

Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Deputy Director Alcala-Beshara informed the Commission that Commission staff provided the applicant notice of the meeting and made confirmed the applicant's non-attendance. The applicant stated that he was unable to attend as he would be out of the country during the meeting.

Acting Chairman To noted concern regarding the restraining order and indicated additional information would be prudent.

Assistant Director Morrow stated that when the Bureau contacted the Courts, the Courts specifically stated they were proving everything they had. The restraining order outdates electronic scanning of documents and was not provided.

Commissioner Lacy noted no arrests or law enforcement involvement was found in relation to the restraining order, however concurred with Acting Chairman To that it may be prudent to clarify information regarding the order with the applicant first.

No action taken. The item will be heard on a future Commission Meeting.

12. Consideration of Tribal-State Compact Renewal Finding of Suitability as a Gaming Resource Supplier (Pursuant to the Tribal-State Gaming Compact): Cummins-Allison Corp.

#### Action:

Upon motion of Acting Chairman To, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Renewal Finding of Suitability through January 31, 2021.

- 13. <u>Consideration of Initial Tribal-State Compact Key Employee Finding of Suitability</u> (Pursuant to the Tribal-State Gaming Compact):
  - A. Agua Caliente Casino Resort Spa Agua Caliente Band of Cahuilla Indians: Vicki Schlom-Scott

Deputy Director Alcala-Beshara informed the Commission that Commission staff made multiple attempts to confirm the applicant's attendance, however the applicant did not confirm attendance. The applicant did not announce herself.

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## Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through November 1, 2019.

B. Chukchansi Gold Resort and Casino - Picayune Rancheria of Chukchansi Indians:

Joel Marvin

Deputy Director Alcala-Beshara informed the Commission that multiple attempts to confirm the applicant's attendance were made by Commission staff, however the applicant did not confirm attendance. Acting Chairman To called forth the applicant to ask if he was present. The applicant was not present in person or by telephone.

Acting Chairman To and Commissioner Lacy noted concern with the applicant's lack of responsiveness to the Bureau's inquiries.

#### Action:

Upon motion of Acting Chairman To, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through January 3, 2020, with the condition noted below:

Beginning February 1, 2019, and every 90 days thereafter, Mr. Marvin must provide the Bureau of Gambling Control with proof of ongoing efforts to satisfy his outstanding court fines and collection accounts.

C. Graton Resort & Casino - Federated Indians of Graton Rancheria: Abhishek Koirala

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through April 17, 2020.

D. Harrah's Resort Southern California - Rincon Band of Luiseno Mission Indians of the Rincon Reservation: Erik Borup

## **Comments Received From:**

Erik Borup, via telephone

Commissioner LaBrie asked Mr. Borup if he understood the condition to be placed on his license.

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Mr. Borup confirmed that he understood the condition.

#### Action:

Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through January 11, 2020 with the condition noted below:

Beginning February 1, 2019 and every 180 days thereafter, Mr. Borup shall provide the Bureau of Gambling Control with updates regarding his outstanding charge-off accounts until satisfied.

E. Morongo Casino Resort and Spa - Morongo Band of Mission Indians: John Shuminski, Jr.

Deputy Director Alcala-Beshara informed the Commission that Commission staff provided the applicant notice of the meeting and made confirmed the applicant's non-attendance. Deputy Director Alcala-Beshara confirmed Mr. Shuminski was no longer working at Morongo Casino Resort and Spa.

### Action:

Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved to Abandon the Initial Finding of Suitability.

F. Pala Casino Spa and Resort – Pala Band of Mission Indians: John Aguilar

### Comments Received From:

John Aguilar, via telephone

Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Commissioner Lacy asked Mr. Aguilar what was the status of the bankruptcy. Mr. Aguilar informed the Commission his bankruptcy had been discharged.

Acting Chairman To requested confirmation from the Bureau that the bankruptcy was discharged.

Assistant Director Morrow confirmed that the Bankruptcy was discharged November 13, 2018.

Commissioner LaBrie inquired as to whether the applicant knew who reported the incident.

Mr. Aguilar confirmed that the biological father reported the incident.

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## Action:

Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through April 9, 2019.

- G. Pechanga Resort & Casino Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation:
  - i) Cary Warrell

### Comments Received From:

Cary Warrell, via telephone

Acting Chairman To inquired as to the status of the tax lien and asked Mr. Warrell if he understood the condition that is proposed to be placed on his license.

Mr. Warrell stated that the monies are directly taken from his account and he has been consistently remitting payment confirmed that he understood and assented to the condition.

#### Action:

Upon motion of Acting Chairman To, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through February 28, 2019, with the condition noted below:

Beginning February 1, 2019 and every 90 days thereafter, Mr. Warrell must provide the Bureau of Gambling Control with proof of efforts to satisfy his outstanding tax lien.

ii) Shannon Warrell

#### Comments Received From:

Shannon Warrell, via telephone

Commissioner LaBrie asked Ms. Warrell if she understood the condition to be placed on her license.

Ms. Warrell confirmed that she understood the condition.

### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through February 28, 2019, with the condition noted below:

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Beginning February 1, 2019, and every 180 days thereafter, Ms. Warrell must provide the Bureau of Gambling Control with proof of ongoing efforts to satisfy her outstanding State Tax Lien and Small Claims Judgment.

H. Red Earth Casino - Torres Martinez Desert Cahuilla Indians:
Rosa Raine

## Comments Received From:

Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Acting Chairman To inquired as to the confirmation that Ms. Raine had been served.

Assistant Director Morrow responded that she received documentation that it was sent by mail, so there was no documentation that Ms. Raine was actually served.

Acting Chairman To called forth the applicant to ask if she was present. The applicant was not present in person or by telephone.

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through September 23, 2019, with the condition noted below:

Beginning February 1, 2019 and every 90 days thereafter, Rosa Raine must provide the Bureau of Gambling Control with proof of efforts to resolve her outstanding judgment lien until resolved.

I. Soboba Casino - Soboba Band of Luiseno Indians: Angela Cortes

#### Comments Received From:

Angela Cortes, via telephone

Acting Chairman To inquired as to the applicant's present financial status.

Ms. Cortes provided an update on her financial status.

Commissioner Lacy asked Ms. Cortes if she understood the condition to be placed on her license.

Ms. Cortes confirmed that she understood and assented to the condition.

#### Action:

Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and

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Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through September 20, 2020, with the condition noted below:

Beginning February 1, 2019 and every 180 days thereafter, Angela Cortes must provide the Bureau of Gambling Control proof of efforts to satisfy her outstanding collection accounts, small claims judgment, charge-off accounts.

J. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:i) Thai Lee

### **Comments Received From:**

Thai Lee, via telephone

Acting Chairman To requested an update regarding outstanding debts and asked Mr. Lee if he understood the condition to be placed on his license.

Mr. Lee stated he was making monthly payments and confirmed that he understood the condition.

#### Action:

Upon motion of Acting Chairman To, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through November 2, 2019, with the condition noted below:

Beginning February 1, 2019 and every 180 days thereafter, Mr. Lee must provide the Bureau of Gambling Control with proof of efforts to satisfy his outstanding collection and charge-off accounts.

### ii) Edmund Unlayao

To note, Deputy Director Alcala-Beshara informed the Commission that multiple attempts to confirm the applicant's attendance were made by Commission staff, however the applicant did not confirm attendance. The applicant did not announce himself at the meeting.

#### Comments Received From:

Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Acting Chairman To inquired as to the proof of service.

Assistant Director Morrow confirmed that there was proof of service for American General Judgement. The Bureau also confirmed with the Court that they were unable to serve Mr. Unlayao on the Manco, Inc. judgement.

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## Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through November 2, 2019, with the condition noted below:

Beginning February 1, 2019 and every 90 days thereafter, Mr. Unlayao must submit to the Bureau of Gambling Control proof of ongoing efforts to resolve his civil judgments.

K. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:

Michael Garcia

## Comments Received From:

Michael Garcia, via telephone

Commissioner LaBrie requested Mr. Garcia to confirm his understanding of the condition to be placed on his license.

Mr. Garcia confirmed that he understood the condition.

#### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission approved the Initial Finding of Suitability through July 1, 2019, with the condition noted below:

Beginning February 1, 2019 and every 180 days thereafter, Mr. Garcia must provide the Bureau of Gambling Control with proof of efforts to satisfy his outstanding charge-off account.

14. Applications for Approval of Renewal of State Gambling License (Pursuant to Business and Professions Code sections 19850, 19852, and 19876; CCR, Title 4, sections 12054 and 12345), Consideration of Stipulated Settlement; Decision and Order:

Cameo Club: Lewis & Lewis, Inc.

David and Margaret Lewis 1999 Family Trust, Shareholder Margaret Lewis, Director, Trustee, Trustor, Beneficiary

Natalie J. Lewis Survivor's Trust, Shareholder David Ryan Lewis, Chief Executive Officer, Chief

Financial Officer, Director, Beneficiary Brooke Lewis-Siemers, Vice President, Secretary, Director,

Beneficiary

#### Comments Received From:

Todd Vlaanderen, Chief Counsel, Gambling Control Commission, in person

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Bill Torngren, Deputy Attorney General, Department of Justice, in Person John Maloney, Attorney and Designated Agent, In Person

Chief Counsel Todd Vlaanderen stated that the Commission referred this application to evidentiary hearing on April 26, 2018 and it was calendared for an evidentiary hearing. That matter was taken off the calendar when the parties submitted a stipulated settlement. The Commission will hear this in Open Session for the purpose of answering any questions from the Commissioners and receiving any comments from the parties. The item will then be deliberated and decided in Closed Session.

Deputy Attorney General Torngren confirmed that the Transaction has already been closed.

Mr. Maloney stated that the transaction closed on 12/31/2018. Mr. Maloney thanked and recognized the Commission Staff, Bureau Staff, and Bill Torngren for their hard work on this matter and noted his appreciation.

15. Request for Reconsideration (Pursuant to Business and Professions Code section 19824; CCR, Title 4, section 12064):

In the Matter of the Application for Approval of Third-Party Proposition Player Services License for Alice M. Catapia, (CGCC-2017-1116-13A)

## Comments Received From:

Todd Vlaanderen, Chief Counsel, Gambling Control Commission, in person Yolanda Morrow, Assistant Director, Bureau of Gambling Control, in person

Deputy Director Alcala-Beshara informed the Commission that multiple attempts to confirm the applicant's attendance were made by Commission staff, however the applicant did not confirm attendance.

Chief Counsel Todd Vlaanderen gave a brief timeline of the item which will be decided in Open Session.

The Commissioners discussed that nothing new was found to support the Request for Reconsideration.

Chief Counsel Vlaanderen called forth the applicant to ask if they were present. The applicant was not present in person or by telephone.

Assistant Director Morrow stated that the Bureau also did not find anything new for the Reconsideration and agreed with the Commissions' decision.

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Upon motion of Commissioner Lacy, seconded by Commissioner LaBrie, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission denied the Reconsideration.

#### **CONSENT CALENDAR ITEMS:**

16. Consideration of Renewal Portable Personal Key Employee License (Pursuant to Business and Professions Code section 19854; CCR, Title 4, sections 12054 and 12351):

A. Patrick Berry

B. Alexander Bond Jr.

C. Raymond Callas

D. Edward De Vall, Sr.

E. Evan Evans

D. Panu Suwanjinda

O. Sharon Thomas

P. Samuel Timothy

O. Vu Ton

F. Philip Fang Q. Vu Ton

G. Vun Khor R. Danny Twitchen

H. Ryan Koptke
S. Sum Vien
I. Joseph Lopez
T. Yancy Webb II
J. Lloyd Moser
U. Jong Weeks

K. Jeremy Neuman V. Michael Wilkinson

17. Consideration of Initial Work Permit (Pursuant to Business and Professions Code section 19912; CCR, Title 4, sections 12054 and 12104):

A. Casino Merced: Sia Vang

B. Napa Valley Casino: Monique Phitsanoukanh Sithun Preap

C. Pinnacle Casino:
D. The Nineteenth Hole:
Hamek Yang
E. Towers Casino:
Mollie Perry

18. Consideration of Renewal Work Permit (Pursuant to Business and Professions Code section 19912; CCR, Title 4, sections 12054 and 12104):

A. Napa Valley Casino: Kuntarika Williams Bopharoth Yos

B. Outlaws Card Parlour: Suzy ShewellC. Parkwest Casino Sonoma: Nolan McCoy Jr.

D. The Deuce Lounge and Casino: Kyle Kirkland Amy Saeteun

19. Consideration of Conversion of Third-Party Providers of Proposition Player Services Registrations to License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12054 and 12218):

A. Acme Player Services, LLC:

Players: Nikolaus DeLeon Lenen Lor

B. Blackstone Gaming, LLC:

Players: Yvette Castro Huerta Gerald Lepe Delphina Sanchez

Lauren Smith

C. Knighted Ventures, LLC:

Players: Julie Keopaseuth Lynda Montalvo Mattie Pace

August Webb Jovie Yang

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D. Majesty Partners, LLC:

Player: Amanda Nelson

E. Metis TPS, LLC:

Player: Susan Wu

F. PT Gaming, LLC:

Players: Alejandro Cajiles Sharon Dela Cruz

G. Qualified Player Services, LLC: Player: Francisco Reyes

20. <u>Consideration of Renewal of Third-Party Providers of Proposition Player Services License (Pursuant to Business and Professions Code section 19984; CCR, Title 4, sections 12054 and 12218.8):</u>

A. Acme Player Services, LLC:

Players: Adam Aguirre Alberto Ceballos Nip Chi

Na Ear Chang Law Qi Rong Mai Robert Martin Chau Nguyen Tien Phan

B. Fortune Players Group, Inc.:

Players: Jimmy Chiu Miaoyun Huang Guo Zhang Lai

Edna Polangco Eva Yan WeiXiong Zeng

C. Knighted Ventures, LLC:

Players: Guadalupe Alvarado Roger Gerard Aspiras

Daniel Chetcheuth

Hoanh Cu Nelson Delgado Xavier Douglas

Steven Flynn Daphne Han David Lee

Anthony Magden Diego Ibarra Mendez

Eduardo Meraz-Alvarado Marvin Millora

Obideo Mojarro Kenneth Morris

David Nwagbara Danne Paredes Edward Romero Cheng Saelee Daniel Sanchez, Jr. Marcus Sheely Jeska Shum Tyler Sexton Katy Suzuki

Erasmo Torres Ian Trinidad Kanita Virojesangthong

Frederick Young

D. PT Gaming, LLC:

Supervisors: Arthur Blackinton Phong Le Chanchrisna Pen

James Razon

Players: Ling Liang Christina Meas-Kim Charisse Patton

Mary Samreuang Crystal Vasquez Mary Vue

21. Consideration of Initial Tribal-State Compact Key Employee Finding of Suitability (Pursuant to the Tribal-State Gaming Compact):

A. Agua Caliente Casino Resort Spa - Agua Caliente Band of Cahuilla Indians:

Aaron Alarcon

Dino Gegic

Leo McLaughlin II

B. Cache Creek Casino Resort - Yocha Dehe Wintun Nation:

Miguel Murillo Reyes Luis Rico Padilla

C. Casino Pauma - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation:

Sarah Richards Marcel Taylor

D. Chicken Ranch Casino - Chicken Ranch Rancheria of Me-Wuk Indians:

Shari O'Neill

E. Colusa Casino Resort - Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:

Marcy Kitzan

F. Fantasy Springs Resort Casino - Cabazon Band of Mission Indians:

David Hemingway

G. Feather Falls Casino & Lodge - Mooretown Rancheria of Maidu Indians: Wendy Teser

H. Graton Resort & Casino - Federated Indians of Graton Rancheria:

Dexter Cassidy Lorena Orduna Flores Narayani Pandey Armando Ruiz Kamal Tamang Phillip Wall

Mark Ward

I. Harrah's Resort Southern California - Rincon Band of Luiseno Mission Indians of the Rincon Reservation:

Barbara Killen

J. Jamul Casino - Jamul Indian Village:

Sam Phoumin

K. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:

Karina Hok Thai Phan Jose Rodriguez

Maricela Zendejas

L. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:

Lo Saechao Linda Saeteurn Samantha Silcox

Jeffrey Wilkinson

M. River Rock Casino - Dry Creek Rancheria Band of Pomo Indians:

Trina Faagata

N. San Manuel Casino - San Manuel Band of Mission Indians:

Genny Kelley Darakoun Oudomsivilay

O. Soboba Casino - Soboba Band of Luiseno Indians:

Michael Mellor II James Silvas

P. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:

Grace Nguyen

Q. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:

Neng Moua Mao Yang

R. Twin Pine Casino & Hotel - Middletown Rancheria of Pomo Indians:

Coreina Peterson

S. Valley View Casino & Hotel - San Pasqual Band of Diegueno Mission Indians:
Bruce Howard

T. Viejas Casino and Resort - Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation:

Rafi Shaoka

# 22. <u>Consideration of Renewal Tribal-State Compact Key Employee Finding of Suitability (Pursuant to the Tribal-State Gaming Compact):</u>

A. Barona Resort and Casino - Barona Group of Capitan Grande Band of Mission Indians:

James Berry Jr. German Castillo Colleen Gaffney

Rick Gutierrez Francisco Montoya Jr. Michelle Pischel Richard Villarino Rosa Walker Diana Watt

Dillon Wulff

B. Blue Lake Casino and Hotel - Blue Lake Rancheria:

Joseph Pettit

C. Chumash Casino Resort - Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation:

> **Daniel Olivares** Milton Beard II William Peters Jr.

Aaron Robles David Ung

D. Colusa Casino Resort - Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria:

> Allen Burrious Rajinder Chauhan

- E. Eagle Mountain Casino Tule River Indian Tribe of the Tule River Reservation: Xiong Cha
- F. Graton Resort & Casino Federated Indians of Graton Rancheria: Alberto Serrano Yamileth Velasquez-Ortega
- G. Havasu Landing Resort & Casino Chemehuevi Indian Tribe of the Chemehuevi Reservation:

Robin Stone

H. Morongo Casino Resort and Spa - Morongo Band of Mission Indians:

Daniel Boyd Shannon Ford Charompol Hongthong

Samantha Osborne Roxanne Shenah

I. Pala Casino Spa and Resort - Pala Band of Luiseno Mission Indians of the Pala Reservation:

> Rosario Beltran Dennis Eckenrode

J. Red Earth Casino - Torres Martinez Desert Cahuilla Indians:

Nicholas Hauf

K. Red Hawk Casino - Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria:

Alicia Barrera

L. River Rock Casino - Dry Creek Rancheria Band of Pomo Indians:

Julie Phillips Kimberly Whitfield Linda Giannini

M. Soboba Casino - Soboba Band of Luiseno Indians:

Robert Barnard Shawn Benson

N. Spotlight 29 Casino - Twenty-Nine Palms Band of Mission Indians:

Collin Trenery

O. Sycuan Casino and Resort - Sycuan Band of the Kumeyaay Nation:

Marites Asuncion Glenn Barry Alan Buna Erik Carter Qi Chen Travis Elliott Ernesto Fabrigas Jr. Annette Fermil Larry Ha

Ana Lopez Christopher Manzano

Harold Johns Faamaopo Villasin April Randle

P. Table Mountain Casino - Table Mountain Rancheria:

Jeniffer Fuentes Troy Benne Sky Chanchem Ger Her Caleb Kepins Micah Parrish

Q. Tachi Palace Hotel and Casino - Santa Rosa Indian Community:

John Gerwe III Tracie Gomez Stephanie Jolley

Jose Tafoya Jr. Stella Velasquez

R. Thunder Valley Casino Resort - United Auburn Indian Community of the Auburn Rancheria:

Kim Arnsdorff Steven Brown Michael Canas

Edwin Espino

S. Tortoise Rock Casino - Twenty-Nine Palms Band of Mission Indians: Gerardo Castro

T. Twin Pine Casino & Hotel - Middletown Rancheria of Pomo Indians:

Lisa Shelton

U. Valley View Casino & Hotel - San Pasqual Band of Diegueno Mission Indians:

Boyd Long Jakee Siva

V. Win-River Casino - Redding Rancheria:

Jeffrey Fish Anthony Semore

### Action:

Upon motion of Commissioner LaBrie, seconded by Commissioner Lacy, and carried in a vote by roll call with Acting Chairman To, Commissioner LaBrie, and Commissioner Lacy voting yes; the Commission the Consent Calendar items 16 through 22.

## PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

None.

## **CLOSED SESSION DISCLOSURE:**

Acting Chairman To disclosed that the Commissioners would meet in Closed Session on the following closed session items II (B), II (C). II (D), and II (K):

<u>CLOSED SESSION:</u> Acting Chairman To Adjourned the Commission Meeting into Closed Session at 12:08 PM for item II (K).

- I. <u>Litigation (Government Code section 11126(e)):</u>
  - A. Stand Up For California, et al. v. State of California, et al., Madera County Superior Court (MCV062850)
  - B. *Eric G. Swallow v. California Gambling Control Commission*, Sacramento County Superior Court (34-2016-800002402)
  - C. Garden City, Inc. v. Eric Swallow, Sacramento County Superior Court (34-2016-00198132)
  - D. Lucky Chances, Inc. v. California Gambling Control Commission, Sacramento County Superior Court (34-2017-80002549)
  - E. Rene Medina v. Xavier Becerra, Jim Evans, et a/.; United States District Court, Northern District of California (17-cv-03293 KAW)
  - F. California Valley Miwok Tribe v. California Gambling Control Commission et al.; San Diego County Superior Court (37-2017-00050038-MU-CO-CTL)
  - G. Tongtoua Yang v. California Gambling Control Commission et al.; Sacramento County Superior Court (34-2017-80002744)
  - H. Ca//aye Jo Strauss v. California Gambling Control Commission, Sacramento County Superior Court (34-2018-80002882)

- Yavapai-Apache Nation v. La Posta Band of Diegueno Mission Indians and California Gambling Control Commission, Sacramento Superior Court (34-2018-00238711)
- II. Hearing Deliberations Pursuant to Government Code Section 11126(c)(3):
  - A. In the Matter of the Accusation and Statement of Issues Against Lucky Chances, Inc., Rommel Medina, Ruell Medina, (OAH No.2015110463
  - B. In the Matter of the. Application for Approval of Initial Key Employee License for Callaye Strauss, (CGCC-2017-0713-7G)
  - C. In the Matter of the Application for Approval of State Gambling License for Kris Kat, LLC, and Steven C. Ayers, (CGCC-2018-0111-5A)
  - D. In the Matter of the Application for Approval of Gambling Establishment Key Employee License for Tom Willis Bowling, Jr., (CGCC-2018-0125-6A
  - E. In the Matter of the Application for Approval of Third-Party Proposition Player Services License for Sianna Maquelle Hasenberg, (CGCC-2018-0412-8F)
  - F. In the Matter of the Application for Approval of Third-Party Proposition Player Services License for Angela Ha Hoang, (CGCC-2018-0510-7Ei)
  - G. In the Matter of the Application for Approval of Third-Party Proposition Player Services License for Vanessa Eriane Ellis, (CGCC-2018-0510-7C)
  - H. In the Matter of the Application for Approval of Gambling Establishment Key Employee License for Donald Anghia Ly, (CGCC-2018-0510-5J)
  - I. In the Matter of the Application for Approval of Gambling Establishment Key Employee License for Alfred Douglas Perez, (CGCC-2018-0525-9)
  - J. In the Matter of the Application for Approval of Third-Party Proposition Player Services License for Alice M. Catapia, (CGCC-2017-1116-13A)
  - K. Stipulated Settlement Decision and Order in the Matter of the Applications for Approval of State Gambling License for Lewis & Lewis, Inc. (GEOW-00853), dba Cameo Club (GEGE-0003400), David and Margaret Lewis 1999 Family Trust (GEOW-003234), Margaret J. Lewis (GEOW-003216), Natalie J. Lewis Survivor's Trust (GEOW-003284), David R. Lewis (GEOW-003341), and Brooke J. Lewis-Siemers (GEOW-003342)

## **RECONVENE TO OPEN SESSION: 12:20 PM**

The Commission approved the Settlement for Item 14 which was also Closed Session item II K.

Deputy Attorney General, Bill Torngren Thanked the Commissioners.

## RECONVENE TO CLOSED SESSION: 12:21 PM

## **ADJOURNMENT:**

Acting Chairman To Adjourned the Commission Meeting at 3:15 p.m. to reconvene Friday January 11, 2019 at 10:00.

RECONVENE TO OPEN/CLOSED SESSION: Friday, January 11, 2019 10:202 AM Chairman Evans called the roll with Chairman Evans, Commissioner Paula LaBrie, Commissioner Gareth Lacy, and Commissioner Trang To present. Chairman Evans

adjourned the Commission Meeting into Closed Session at 10:02 on Closed Session Items II (B), II.(C), II (D), and II (F). No further information was given.